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File CUP-1996-124

Name: Parkerson Construction – 598 23 ¼ Road – Conditional Use Permit

<b>P r e s e n t</b>	<b>S c a n n e d</b>	<p>A few items are denoted with an asterisk (*), which means they are to be scanned for permanent record on the ISYS retrieval system. In some instances, items are found on the list but are not present in the scanned electronic development file because they are already scanned elsewhere on the system. These scanned documents are denoted with (**) and will be found on the ISYS query system in their designated categories.</p> <p>Documents specific to certain files, not found in the standard checklist materials, are listed at the bottom of the page. Remaining items, (not selected for scanning), will be listed and marked present. This index can serve as a quick guide for the contents of each file.</p>
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		<b>*Review Sheet Summary</b>
		<b>*Application form</b>
		Review Sheets
		Receipts for fees paid for anything
		<b>*Submittal checklist</b>
		<b>*General project report</b>
		Reduced copy of final plans or drawings
		Reduction of assessor's map.
		Evidence of title, deeds, easements
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		Public notice cards
		Record of certified mail
		Legal description
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		Other bound or non-bound reports
		Traffic studies
		<b>*Review Comments</b>
		<b>*Petitioner's response to comments</b>
X	X	<b>*Staff Reports</b>
		<b>*Planning Commission staff report and exhibits</b>
		<b>*City Council staff report and exhibits</b>
		<b>*Summary sheet of final conditions</b>

**DOCUMENT DESCRIPTION:**

X	X	Correspondence			
X	X	Drainage Map			
X	X	General Mtg Info. – 2//606			
X	X	Short Report – 6/29/90			
X		E-mail – not scanned unless needed			
X		Orchard Grove Industrial Park – Reclamation Plan Map			
X	X	Mined Land Reclamation Division of State of CO Report - Mining and Reclamation Permit – Minerals Other Than Coal – 5/9/96			
X	X	Rider to Mining Permit – 11/9/90			
X	X	Application Form 6/20/90			

*Marcia,*  
*Would you please set up a file for this.*

**SHORT REPORT**

5/13/96

**OWNER INFORMATION**

A & G PARTNERSHIP  
3324 E 1/4 RD  
CLIFTON, CO 81520-8015

CO OWNER:

BOOK: 1793  
PAGE: 718

**LEGAL DESCRIPTION:**

LOTS 18 + 19 + 25 + 26 ORCHARD GROVE SUB SEC'S 5 + 8 1S 1W EXC RD ROW AS PER B-1380 P-684 TO P-686 MESA CO RECDs

**PROPERTY INFORMATION**

PARCEL NUMBER: 2945-053-00-066  
PROPERTY ADDRESS: 598 23 1/4 RD  
TAC: 10800  
MILL LEVY: 86.0290  
LAND VALUE: 59,293.00  
IMPROVED VALUE: 0.00  
TOTAL VALUE: 59,293.00

SOLD: 06/29/90      PRICE: 300000  
YR BUILT: 0000

*Parkerson Construction, Inc*  
*710 S. 15th*  
*GT, CO 81501*  
*244-8134*

*CUP for gravel mine, batch & asphalt plant, crusher,  
and material storage.*

*CUP-96-124*

*Please file w/ Planning Clearances for a paper trail - no expansion or remodel - accessory use to existing gravel pit. 2/06 RBE*

**GENERAL MEETING INFORMATION**

In order for City development review staff to provide you adequate information regarding application(s) and approval(s) required to implement your proposal, the following information must be supplied:

*Copy*

Name of Applicant: Paul Young  
 Address: 1057 Westinghouse St  
G.J 81504  
 Telephone: 434-16327  
 2. Site Address: 2345 River Rd  
 3. Assessor's Parcel # 2945-053-00-111 D  
 4. Lot/Parcel Size: 100.7109  
 5. Current Use: Gravel Pit *VOID* Parkerson - hauls for them  
 6. Existing Structures On-site: Ø  
 7. General description of the proposal: Truck Storage @ gravel pit  
approx 10 trucks go out in a.m. & come back in p.m.

*accessory to gravel pit operation 2/06*

**OFFICE USE ONLY** Scott/Lori

General Meeting Date & Time: \_\_\_\_\_  
 Assigned Planner: \_\_\_\_\_  
 Zoning: I-1  
 Land Use Map Designation: North: C-2 East: I-1  
 South: CSR West: I-2/I-1  
 Related files/projects: \_\_\_\_\_  
 Comments: put in writing exactly what his company is & does for future documentation -

The following additional information would be helpful to have at the General Meeting in order for the City development review staff to identify potential issues and development improvements that may be associated with your proposal:

- A sketch plan showing the following:
  - The general configuration of the property.
  - The location of driveways (existing and/or proposed).
  - Existing and/or proposed structures.
  - Any on-site drainage facilities.
  - Existing and/or proposed paved or graveled areas.
  - Any existing landscaping improvements.
  - The location of any easements on the property.
- Identification of providers of the following utility services to the property:
  - Water: City
  - Sewer: City
  - Drainage District: GJDD
  - Irrigation District: GVID

*contractor for gravel pit bush.*

*background of gravel pit cup? 1996 file DT & MP research*

*called 2/8 10:30 busy*

# City of Grand Junction GIS Zoning Map ©

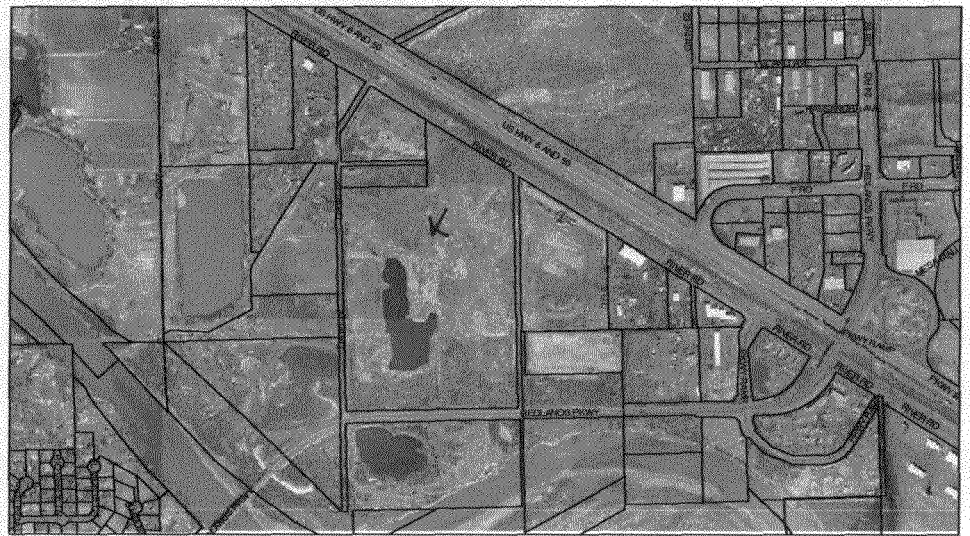
— Rural Roads Large Text  
— Streets

All Parcels  
□ Parcels

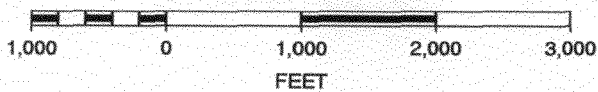
▤ Palisade Grand Jct Buffer Zone  
▤ Fruita / Grand Junction Buffer

Air Photos  
● 2002 Photos

— Highways



SCALE 1 : 17,222



? 2945-053-00-108  
066 -  
~~103~~  
104  
055

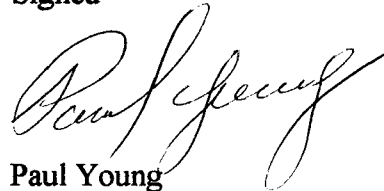
C215 79  
CUP 96124

February 15, 2006

To Whom It May Concern:

We will be hauling asphalt and related products, in cooperation with Parkerson Construction and their gravel pit, located at 2345 River Road. We will be parking several of our trucks on the Northeast corner of the property.

Signed



Paul Young

Paul Young  
Logistics Specialist  
P.T.I. Grand Junction, Co.  
970-434-6322

**RECEIVED**  
FEB 1 / 2006  
COMMUNITY DEVELOPMENT  
DEPT.

## STAFF REVIEW

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FILE: CUP-96-124  
DATE: June 11, 1996  
STAFF: David Thornton  
REQUEST: Conditional Use Permit for Gravel Mine, Batch and Asphalt Plant, Crusher, and Material Storage  
APPLICANT: Parkerson Construction, Inc.

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EXISTING LAND USE: Gravel operation

PROPOSED LAND USE: Same

USE ZONE MATRIX CLASSIFICATION: Sand & Gravel Extraction, Storage, Processing, and Asphalt Plant (pending text amendments will make these uses a CUP in the I-1 zone).

TAX PARCELS: 2945-053-00-066 and 2945-053-00-108

### SURROUNDING LAND USE:

NORTH: Vacant  
SOUTH: Redlands Parkway  
WEST: 23 1/4 Road, Residence, & Vacant  
EAST: Vacant & Elam's Gravel Yard

EXISTING COUNTY ZONING: Planned Industrial and Industrial

PROPOSED CITY ZONING: Light Industrial (I-1) with a conditional use permit for gravel mine, batch and asphalt plant, crusher, and material storage

### SURROUNDING ZONING (prior to annexation):

NORTH: PI & I (County)  
SOUTH: PZ (City)  
EAST: AFT and PI (County)  
WEST: AFT and PI (County)

### STAFF ANALYSIS:

A & G Partnership, property owners and Parkerson Construction, Inc., operators, have a gravel operation located at 598 23 1/4 Road (23 1/4 Road Pit) on a parcel that contains about 36 acres (Tax parcel #2945-053-00-066). The northern portion of the

parcel had an Industrial zone (I) in the County which allows gravel operations. The southern portion (the South 330 feet of Lots 25 and 26 of Orchard Grove Sub) of the parcel was zoned PI and has no uses established according to the County file (C215-79). The reasoning for the PI was to provide a buffer between the Industrial zone and the Redlands Parkway. Under the PI zone the County Commissioners would have control of the types of uses allowed in that area.

Parkerson Construction received a Mining and Reclamation Permit (#M-90-094) for their 23 1/4 Road gravel operation from the State of Colorado on November 9, 1990.

This permit includes 34 of the 36 acres of tax parcel #2945-053-00-066. Under the County Industrial (I) Zone District, Parkerson was not required to obtain a Conditional Use Permit. It is unknown why Parkerson was not required to either receive approval for a final plan for gravel extraction on the PI portion of the site and/or why the County did not require them to rezone the entire property to the same zone district. County Planning Staff would normally require one or the other to occur or both. Mr. Parkerson stated that he was told by Mesa County that no administrative or other review was required.

A & G Partnership/Parkerson Construction is being represented by Greg Hoskins of Hoskins, Farina, Aldrich & Kampf. Staff has learned that it has been Parkerson's intent to use their property to the north located along River Road (Tax parcel # 2945-053-00-108), approximately 11 acres and adjacent to 2945-053-00-066, in conjunction with the 23 1/4 Road pit gravel operation. At present, the 11 acre parcel is being used to store "fill" product that will eventually be used for fill once the mining is complete the site is reclaimed. This parcel was also zoned I in the County and therefore did not require a conditional Use Permit for the associated gravel uses planned for by Parkerson. Except for stockpiling fill on the property, no other uses have been established for this site.

After speaking with County Planning Staff, we learned that an administrative site plan review approval would be required by the County for any gravel uses in the I zone.

Parkerson has not received County site plan approval for either parcel. At the time that Parkerson Construction received their mining permit for the State of Colorado, the County did not always require or consistently require administrative site plan approval for such activities allowed by right in a zone district. The County Code was not specific at the time as to what requirements would be required for review. Since 1990, the County's Land Development Code has been amended to include language that clarifies the requirement for an administrative site plan review. Any new activity such as an Asphalt Batch Plant, Gravel Storage, or other associated gravel uses would require site plan review by the County for either parcel.

Mr. Hoskins, Parkerson's representative, delivered a letter to the City requesting that various gravel uses be allowed by right under the CUP and that no site plan review be required by the City for any of those uses. Please see the attached letter. Staff concurs that the uses as stated in the letter are appropriate, but does not concur that no

site plan review should be required. An administrative site plan review should be required for all such uses by the City. Please see staff's recommendation.

**STAFF'S RECOMMENDATION:**

Staff recommends that the CUP be granted for the 36 acre parcel (2945-053-00-066) which has the state mining permit for gravel extraction and for the 11 acre parcel (2945-053-00-108). The CUP shall allow for both parcels other gravel uses including the following: Sand and Gravel Extraction, processing and storage and ancillary uses, which shall include heavy equipment storage, stockpiling of materials to be used to refill any pit or pits created by the extraction process, location of modular units for offices related to such operation, weigh stations, and storage, periodic installation, operation and storage of an asphalt plant and/or concrete batch plant and temporary storage of construction supplies used in the operation of a dirt moving contractor. Such uses are subject to obtaining the appropriate permits from the State of Colorado. The right to such uses under this Conditional Use Permit shall not be affected by non-use for any period of time. All such uses shall require only an administrative site plan review and approval by City Staff. Gravel extraction shall only occur on the 34 permitted acres as approved by the State of Colorado (permit #M-90-094).

**PLANNING COMMISSION MOTION:**

Mr. Chairman, on item #CUP-96-124, the Conditional Use Permit for gravel extraction, batch and asphalt plant, crusher, and material storage in a Light Industrial (I-1) zone at 598 23 1/4 Road, I move that we approve this as per Staff recommendations.

*Approved  
4-0*

(parker.cup - word)



To: davidt  
From: Kathy Portner  
Subject: River Road annexation  
Date: 5/7/96 Time: 2:06PM

Please call Greg Hoskin, 242-4903. He is representing Alan Parkerson and has some questions about the River Road zoning. Thanks.

check w/ Mesa Co.

- ① 23 1/2 Road intersection w/ Redlands Pkwy  
& Traffic Signal?
- ② Files - Bob Bray?

Ruth

Bob Bray

Issue

23 1/2 Road  
extended to  
Parkway  
w/ Traffic  
Signal

HAROLD ELAM

# HOSKIN, FARINA, ALDRICH & KAMPF

Professional Corporation

ATTORNEYS AT LAW

200 Grand Avenue, Suite 400  
Post Office Box 40  
Grand Junction, Colorado 81502

Telephone (970) 242-4903  
Facsimile (970) 241-3760

222 West Main Street  
Rangely, Colorado 81648

Gregory K. Hoskin  
Terrance L. Farina  
Frederick G. Aldrich  
Gregg K. Kampf  
Curtis G. Taylor  
David A. Younger  
David M. Scanga  
Michael J. Russell  
John T. Howe  
Matthew G. Weber  
John A. Siddeek

William H. Nelson  
(1926-1992)

May 9, 1996

**HAND DELIVERED**

Mr. David Thornton  
Grand Junction Community Development Department  
250 North 5th Street  
Grand Junction, Colorado 81501

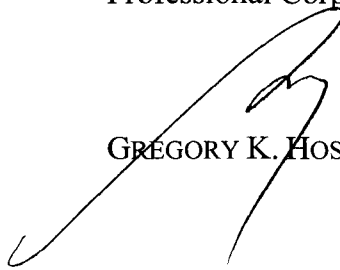
Dear Dave:

Enclosed please find a copy of the Mining and Reclamation Permit on Orchard Grove Industrial Park, which is the A & G Operation at 23 ¼ Road. Also, enclosed please find a copy of the Permit Application Form and the legal description for the permitted area.

Yours truly,

HOSKIN, FARINA, ALDRICH & KAMPF  
Professional Corporation

GREGORY K. HOSKIN



GKH:rr  
Enclosure

# HOSKIN, FARINA, ALDRICH & KAMPF

Professional Corporation

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John A. Siddeck

William H. Nelson  
(1926-1992)

May 17, 1996

Mr. David Thornton  
Community Development Department  
City of Grand Junction  
250 North 5th Street  
Grand Junction, Colorado 81501

Re: A & G Partnership Rezone & CUP

Dear Dave:

I enclose two items from the Mine Land Reclamation Board plan on the 23 ¼ Road pit. The first item is a written description of the Reclamation Plan and the second item is a plat captioned "Orchard Grove Industrial Park Reclamation Plan Map."

Yours truly,

HOSKIN, FARINA, ALDRICH & KAMPF  
Professional Corporation

GREGORY K. HOSKIN

GKH:rr

Enclosures

cc: A & G Partnership

RECLAMATION PLAN

The final use of the property is to be industrial development! The excavated site is to be filled with soil to approximately the same contour as the original ground line.

Temporary seeding of the site will be accomplished using a seed mixture as recommended by the Soil Conservation Service. A copy of that recommendation is enclosed.

The pit will be screened from the adjacent Redlands Parkway by augmenting the present vegetation with Russian Olive and Cottonwood tree plantings.

Pg 2  
second PP

PARKERSON stated that he was told  
by the County that no  
administrative or other review  
was required.

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## STAFF REVIEW

---

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**STAFF'S RECOMMENDATION:**

Staff recommends that the CUP be granted for the 36 acre parcel (2945-053-00-066) which has the state mining permit for gravel extraction and for the 11 acre parcel (2945-053-00-108). The CUP shall allow for both parcels other gravel uses including the following: Sand and Gravel Extraction, processing and storage and ancillary uses, which shall include heavy equipment storage, stockpiling of materials to be used to refill any pit or pits created by the extraction process, location of modular units for offices related to such operation, weigh stations, and storage, periodic installation, operation and storage of an asphalt plant and/or concrete batch plant and temporary storage of construction supplies used in the operation of a dirt moving contractor. Such uses are subject to obtaining the appropriate permits from the State of Colorado. The right to such uses under this Conditional Use Permit shall not be affected by non-use for any period of time. All such uses shall require only an administrative site plan review and approval by City Staff. Gravel extraction shall only occur on the 34 permitted acres as approved by the State of Colorado (permit #M-90-094).

**PLANNING COMMISSION MOTION:**

Mr. Chairman, on item #CUP-96-124, the Conditional Use Permit for gravel extraction, batch and asphalt plant, crusher, and material storage in a Light Industrial (I-1) zone at 598 23 1/4 Road, I move that we approve this as per Staff recommendations.

*Approved  
4-0*

(parker.cup - word)

June 21, 1996



A & G Partnership  
Attn: Allen Parkerson  
710 South 15th Street  
Grand Junction, CO 81501

Grand Junction Community Development Department  
Planning • Zoning • Code Enforcement  
250 North Fifth Street  
Grand Junction, Colorado 81501-2668  
(970) 244-1430 FAX (970) 244-1599

Dear Mr. Parkerson,

This letter is to inform you that the Grand Junction Planning Commission approved a conditional use permit (CUP) for your gravel operation on June 11, 1996. The CUP is for a gravel mine, batch and asphalt plant, crusher, and material storage. The conditions of approval are as follows:

The CUP be granted for the 36 acre parcel (2945-053-00-066) which has the state mining permit for gravel extraction and for the 11 acre parcel (2945-053-00-108). The CUP shall allow for both parcels other gravel uses including the following: Sand and Gravel Extraction, processing and storage and ancillary uses, which shall include heavy equipment storage, stockpiling of materials to be used to refill any pit or pits created by the extraction process, location of modular units for offices related to such operation, weigh stations, and storage, periodic installation, operation and storage of an asphalt plant and/or concrete batch plant and temporary storage of construction supplies used in the operation of a dirt moving contractor. Such uses are subject to obtaining the appropriate permits from the State of Colorado. The right to such uses under this Conditional Use Permit shall not be affected by non-use for any period of time. All such uses shall require only an administrative site plan review and approval by City Staff. Gravel extraction shall only occur on the 34 permitted acres as approved by the State of Colorado (permit #M-90-094).

If you have any questions call me at 244-1451.

Sincerely,

A handwritten signature in cursive script that reads "Mike Pelletier".

Mike Pelletier  
Associate Planner

Enclosure

**CUP-96-124 CONDITIONAL USE PERMIT--GRAVEL OPERATION**

**Request for a Conditional Use Permit for a gravel mine, batch and asphalt plant, crusher and material storage in an I-1 (Light Industrial) zone district.**

**Petitioner: Parkerson Construction, Inc.**

**Location: 598 - 23 1/4 Road**

**STAFF PRESENTATION**

Dave Thornton provided a brief history of the CUP as approved by the County, noting various inconsistencies contained in the County's approval. Staff recommended that the CUP be granted for both the 36-acre parcel and the 11 acre parcel. The CUP shall allow for both parcels other gravel uses including the following: sand and gravel extraction, processing and storage and ancillary uses, which shall include heavy equipment storage, stockpiling of materials to be used to refill any pit or pits created by the extraction process, location of modular units of offices related to such operation, weigh stations, and storage, periodic installation, operation and storage of an asphalt plant and/or concrete batch plant and temporary storage of construction supplies used in the operation of a dirt moving contractor. Such uses are subject to obtaining the appropriate permits from the State of Colorado. The right to such uses under this Conditional Use Permit shall not be affected by non-use for any period of time. All such uses shall require only an administrative plan review and approval by City staff. Gravel extraction shall occur only on the 34 permitted acres as approved by the State of Colorado (permit #M-90-094).

**PETITIONER'S PRESENTATION**

Greg Hoskin, attorney representing the petitioner, offered nothing further.

**PUBLIC COMMENTS**

There were no comments either for or against the proposal.

**MOTION: (Commissioner Halsey) "Mr. Chairman, on item CUP-96-124, the Conditional Use Permit for gravel extraction, batch and asphalt plant, crusher, and material storage in a Light Industrial (I-1) zone at 598 - 23 1/4 Road, I move that we approve this per staff recommendations."**

Commissioner Coleman seconded the motion. A vote was called and the motion passed unanimously by a vote of 4-0.

**CUP-96-125 CONDITIONAL USE PERMIT--GRAND JUNCTION CONCRETE PIPE**

**Request for a Conditional Use Permit for gravel crusher and storage, asphalt hot plant and a concrete batch plant.**

**Petitioner: Ed Settle, GJ Concrete Pipe Company**

**Location: 621 - 23 Road**

**STAFF PRESENTATION**

Mike Pelletier presented a brief history of the County's CUP and related conditions. Conditions included:

1. The applicant must meet all the requirements of the State of Colorado, including the Health Department, in the operation.
2. The asphalt plant shall be operated for a temporary period not to exceed six months without again coming before the Board for a further extension of time.
3. The reclamation of the land shall occur under applicable laws and to the extent practicable for the nature of the operation under those laws.
4. Traffic in and out of the site shall be limited to 23 Road.

June 21, 1996



Hoskin, Farina, Aldrich & Kampf  
Attn: Greg Hoskin  
200 Grand Ave., Suite 400  
Grand Junction, CO 81501

Grand Junction Community Development Department  
Planning • Zoning • Code Enforcement  
250 North Fifth Street  
Grand Junction, Colorado 81501-2668  
(970) 244-1430 FAX (970) 244-1599

Dear Mr. Hoskin,

This letter is to inform you that the Grand Junction Planning Commission approved a conditional use permit (CUP) for the gravel operation at 598 23 1/4 Road on June 11, 1996. The CUP is for a gravel mine, batch and asphalt plant, crusher, and material storage. The conditions of approval are as follows:

The CUP be granted for the 36 acre parcel (2945-053-00-066) which has the state mining permit for gravel extraction and for the 11 acre parcel (2945-053-00-108). The CUP shall allow for both parcels other gravel uses including the following: Sand and Gravel Extraction, processing and storage and ancillary uses, which shall include heavy equipment storage, stockpiling of materials to be used to refill any pit or pits created by the extraction process, location of modular units for offices related to such operation, weigh stations, and storage, periodic installation, operation and storage of an asphalt plant and/or concrete batch plant and temporary storage of construction supplies used in the operation of a dirt moving contractor. Such uses are subject to obtaining the appropriate permits from the State of Colorado. The right to such uses under this Conditional Use Permit shall not be affected by non-use for any period of time. All such uses shall require only an administrative site plan review and approval by City Staff. Gravel extraction shall only occur on the 34 permitted acres as approved by the State of Colorado (permit #M-90-094).

If you have any questions call me at 244-1451.

Sincerely,

Mike Pelletier  
Associate Planner

Enclosure

**CUP-96-124 CONDITIONAL USE PERMIT--GRAVEL OPERATION**

**Request for a Conditional Use Permit for a gravel mine, batch and asphalt plant, crusher and material storage in an I-1 (Light Industrial) zone district.**

**Petitioner: Parkerson Construction, Inc.**

**Location: 598 - 23 1/4 Road**

**STAFF PRESENTATION**

Dave Thornton provided a brief history of the CUP as approved by the County, noting various inconsistencies contained in the County's approval. Staff recommended that the CUP be granted for both the 36-acre parcel and the 11 acre parcel. The CUP shall allow for both parcels other gravel uses including the following: sand and gravel extraction, processing and storage and ancillary uses, which shall include heavy equipment storage, stockpiling of materials to be used to refill any pit or pits created by the extraction process, location of modular units of offices related to such operation, weigh stations, and storage, periodic installation, operation and storage of an asphalt plant and/or concrete batch plant and temporary storage of construction supplies used in the operation of a dirt moving contractor. Such uses are subject to obtaining the appropriate permits from the State of Colorado. The right to such uses under this Conditional Use Permit shall not be affected by non-use for any period of time. All such uses shall require only an administrative plan review and approval by City staff. Gravel extraction shall occur only on the 34 permitted acres as approved by the State of Colorado (permit #M-90-094).

**PETITIONER'S PRESENTATION**

Greg Hoskin, attorney representing the petitioner, offered nothing further.

**PUBLIC COMMENTS**

There were no comments either for or against the proposal.

**MOTION: (Commissioner Halsey) "Mr. Chairman, on item CUP-96-124, the Conditional Use Permit for gravel extraction, batch and asphalt plant, crusher, and material storage in a Light Industrial (I-1) zone at 598 - 23 1/4 Road, I move that we approve this per staff recommendations."**

Commissioner Coleman seconded the motion. A vote was called and the motion passed unanimously by a vote of 4-0.

**CUP-96-125 CONDITIONAL USE PERMIT--GRAND JUNCTION CONCRETE PIPE**

**Request for a Conditional Use Permit for gravel crusher and storage, asphalt hot plant and a concrete batch plant.**

**Petitioner: Ed Settle, GJ Concrete Pipe Company**

**Location: 621 - 23 Road**

**STAFF PRESENTATION**

Mike Pelletier presented a brief history of the County's CUP and related conditions. Conditions included:

1. The applicant must meet all the requirements of the State of Colorado, including the Health Department, in the operation.
2. The asphalt plant shall be operated for a temporary period not to exceed six months without again coming before the Board for a further extension of time.
3. The reclamation of the land shall occur under applicable laws and to the extent practicable for the nature of the operation under those laws.
4. Traffic in and out of the site shall be limited to 23 Road.

5. Operations shall be conducted only between the hours of 7 a.m. and 8 p.m. and for no more than six days a week, Sunday excluded.
6. The applicant should investigate the use of an electric pump for the pit and, failing the practicability of this, the pump shall be located as far from neighbors as possible with effort being made to reduce the noise.
7. The matter be reviewed at the end of the six-month period.

Of the seven County conditions of approval listed, staff recommended that 2. and 7. be deleted but recommended that all other conditions be required. In addition, staff recommended that a new condition be added to read, "It is not necessary to reobtain a CUP after one year, even where the operation may have lain dormant for that period or longer."

#### PETITIONER'S PRESENTATION

The petitioner offered nothing further.

#### PUBLIC COMMENTS

There were no comments either for or against the proposal.

**MOTION:** (Commissioner Halsey) "Mr. Chairman, on item CUP-96-125, Conditional Use Permit for gravel extraction and processing, and an asphalt batch plant in a Light Industrial (I-1) zone at 621 - 23 Road (as corrected by staff), I move that we approve this with staff modified recommendations and conditions as presented this evening."

Commissioner Coleman seconded the motion. A vote was called at 10:10 p.m. The hearing reconvened at 10:17 p.m.

#### **V. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL**

##### **RZF-96-76 REZONE AND PRELIMINARY PLAN--123 NORTH 7TH STREET**

**Request to rezone 123 North 7th Street from B-3 (Retail Business) to PB (Planned Business) and for Preliminary Plan approval for a new parking lot and addition of two stories to the existing building for office/retail space.**

**Petitioner: 123 Group L.L.C.**

**Location: 123 North 7th Street**

**Representative: Ed Chamberlin, Chamberlin Architects**

#### STAFF PRESENTATION

Kristen Ashbeck gave an overview of the proposal and listed a number of uses which would be allowed in the Planned zone. The two story addition would be 67 feet in height, consistent with other buildings in the downtown area. She felt the proposal would add parking spaces to the downtown area during peak hours and would provide the petitioner additional spaces for prospective tenants.. Staff would be willing to reduce the overall landscaping requirement provided that a minimum 5-foot strip of landscape/streetscape is planned, whether in the right-of-way or on private property along both Rood Avenue and 7th Street. The landscape strips are necessary to screen and buffer between the sidewalk and parking area as well as enhance the site. Minimum sidewalk width for Rood Avenue must be 5 feet and for 7th Street, 6 feet.

The first of two phases of construction would include placement of street trees in the rights-of-way on both 7th Street and Rood Avenue and provide some landscaping to deter traffic from entering the lot from the existing curb cuts on both streets. The second phase would include completion of the following (either by

## STAFF REVIEW

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FILE: CUP-96-124  
DATE: June 11, 1996  
STAFF: David Thornton  
REQUEST: Conditional Use Permit for Gravel Mine, Batch and Asphalt Plant, Crusher, and Material Storage  
APPLICANT: Parkerson Construction, Inc.

---

EXISTING LAND USE: Gravel operation

PROPOSED LAND USE: Same

USE ZONE MATRIX CLASSIFICATION: Sand & Gravel Extraction, Storage, Processing, and Asphalt Plant (pending text amendments will make these uses a CUP in the I-1 zone).

TAX PARCELS: 2945-053-00-066 and 2945-053-00-108

SURROUNDING LAND USE:

NORTH: Vacant  
SOUTH: Redlands Parkway  
WEST: 23 1/4 Road, Residence, & Vacant  
EAST: Vacant & Elam's Gravel Yard

EXISTING COUNTY ZONING: Planned Industrial and Industrial

PROPOSED CITY ZONING: Light Industrial (I-1) with a conditional use permit for gravel mine, batch and asphalt plant, crusher, and material storage

SURROUNDING ZONING (prior to annexation):

NORTH: PI & I (County)  
SOUTH: PZ (City)  
EAST: AFT and PI (County)  
WEST: AFT and PI (County)

STAFF ANALYSIS:

A & G Partnership, property owners and Parkerson Construction, Inc., operators, have a gravel operation located at 598 23 1/4 Road (23 1/4 Road Pit) on a parcel that contains about 36 acres (Tax parcel #2945-053-00-066). The northern portion of the

parcel had an Industrial zone (I) in the County which allows gravel operations. The southern portion (the South 330 feet of Lots 25 and 26 of Orchard Grove Sub) of the parcel was zoned PI and has no uses established according to the County file (C215-79). The reasoning for the PI was to provide a buffer between the Industrial zone and the Redlands Parkway. Under the PI zone the County Commissioners would have control of the types of uses allowed in that area.

Parkerson Construction received a Mining and Reclamation Permit (#M-90-094) for their 23 1/4 Road gravel operation from the State of Colorado on November 9, 1990.

This permit includes 34 of the 36 acres of tax parcel #2945-053-00-066. Under the County Industrial (I) Zone District, Parkerson was not required to obtain a Conditional Use Permit. It is unknown why Parkerson was not required to either receive approval for a final plan for gravel extraction on the PI portion of the site and/or why the County did not require them to rezone the entire property to the same zone district. County Planning Staff would normally require one or the other to occur or both. Mr. Parkerson stated that he was told by Mesa County that no administrative or other review was required.

A & G Partnership/Parkerson Construction is being represented by Greg Hoskins of Hoskins, Farina, Aldrich & Kampf. Staff has learned that it has been Parkerson's intent to use their property to the north located along River Road (Tax parcel # 2945-053-00-108), approximately 11 acres and adjacent to 2945-053-00-066, in conjunction with the 23 1/4 Road pit gravel operation. At present, the 11 acre parcel is being used to store "fill" product that will eventually be used for fill once the mining is complete the site is reclaimed. This parcel was also zoned I in the County and therefore did not require a conditional Use Permit for the associated gravel uses planned for by Parkerson. Except for stockpiling fill on the property, no other uses have been established for this site.

After speaking with County Planning Staff, we learned that an administrative site plan review approval would be required by the County for any gravel uses in the I zone. Parkerson has not received County site plan approval for either parcel. At the time that Parkerson Construction received their mining permit for the State of Colorado, the County did not always require or consistently require administrative site plan approval for such activities allowed by right in a zone district. The County Code was not specific at the time as to what requirements would be required for review. Since 1990, the County's Land Development Code has been amended to include language that clarifies the requirement for an administrative site plan review. Any new activity such as an Asphalt Batch Plant, Gravel Storage, or other associated gravel uses would require site plan review by the County for either parcel.

Mr. Hoskins, Parkerson's representative, delivered a letter to the City requesting that various gravel uses be allowed by right under the CUP and that no site plan review be required by the City for any of those uses. Please see the attached letter. Staff concurs that the uses as stated in the letter are appropriate, but does not concur that no



site plan review should be required. An administrative site plan review should be required for all such uses by the City. Please see staff's recommendation.

**STAFF'S RECOMMENDATION:**

Staff recommends that the CUP be granted for the 36 acre parcel (2945-053-00-066) which has the state mining permit for gravel extraction and for the 11 acre parcel (2945-053-00-108). The CUP shall allow for both parcels other gravel uses including the following: Sand and Gravel Extraction, processing and storage and ancillary uses, which shall include heavy equipment storage, stockpiling of materials to be used to refill any pit or pits created by the extraction process, location of modular units for offices related to such operation, weigh stations, and storage, periodic installation, operation and storage of an asphalt plant and/or concrete batch plant and temporary storage of construction supplies used in the operation of a dirt moving contractor. Such uses are subject to obtaining the appropriate permits from the State of Colorado. The right to such uses under this Conditional Use Permit shall not be affected by non-use for any period of time. All such uses shall require only an administrative site plan review and approval by City Staff. Gravel extraction shall only occur on the 34 permitted acres as approved by the State of Colorado (permit #M-90-094).

**PLANNING COMMISSION MOTION:**

Mr. Chairman, on item #CUP-96-124, the Conditional Use Permit for gravel extraction, batch and asphalt plant, crusher, and material storage in a Light Industrial (I-1) zone at 598 23 1/4 Road, I move that we approve this as per Staff recommendations.

(parker.cup - word)

# RIVER ROAD ANNEXATION

Current use on parcel 2945-053-00-066:  
Orchard Grove - gravel pit

23 1/4 ROAD GRAVEL OPERATION



This map was developed by the City of Grand Junction from aerial photography and other public records. The City does not guarantee the accuracy of this map.



Orthophoto flown on 3/21/94

MP  
4/5/96

# HOSKIN, FARINA, ALDRICH & KAMPF

Professional Corporation

ATTORNEYS AT LAW

200 Grand Avenue, Suite 400  
Post Office Box 40  
Grand Junction, Colorado 81502

Telephone (970) 242-4903  
Facsimile (970) 241-3760

222 West Main Street  
Rangely, Colorado 81648

Gregory K. Hoskin  
Terrance L. Farina  
Frederick G. Aldrich  
Gregg K. Kampf  
Curtis G. Taylor  
David A. Younger  
David M. Scanga  
Michael J. Russell  
John T. Howe  
Matthew G. Weber  
John A. Siddeek

William H. Nelson  
(1926-1992)

May 22, 1996

**HAND DELIVERED**

Mr. David Thornton  
City of Grand Junction Planning Department  
250 North 5th Street  
Grand Junction, Colorado 81501

Re: A & G Partnership Rezone & CUP

Dear Dave:

I appreciate the time you have taken to discuss with me the issues relating to the A & G Partnership gravel pit and operation at 23 ¼ Road. You have requested that I present to you language which would accommodate the A & G Partnership use of their parcel of property which was zoned industrial and planned industrial in the county. I attached a copy of your plat outlined in red which is the area we have been discussing. We acknowledge that the boundaries on your map may not be precise, but the intention is to include this block of land which is owned by A & G Partnership.

Reserving the right of A & G Partnership to determine that a CUP is not adequate to protect its interest, we suggest that the following language would probably be acceptable for a CUP on the area outlined in red (Designated Area):

The Designated Area as a matter of right may be used for sand and gravel extraction, processing and storage and ancillary uses, which shall include heavy equipment storage, stockpiling of materials to be used to refill any pit or pits created by the extraction process, location of modular units for offices related to such operation, weigh stations, and storage, periodic installation, operation and storage of an asphalt plant and/or concrete batch plant and temporary storage of construction supplies used in the operations of a dirt moving contractor. Such uses are subject to obtaining the appropriate permits from the State of Colorado. The right to such uses shall not be affected by non-use for any period of time and

Mr. David Thornton

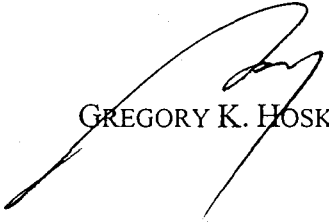
Page 2

May 22, 1996

the right to such uses shall not be subject to site plan review by the City of Grand Junction. Any change of zoning of the Designated Area by the City of Grand Junction shall not change such rights of use. All other uses under the City of Grand Junction's zoning of such parcel shall be as set forth in the use/zone matrix applicable to the Designated Area.

Yours truly,

HOSKIN, FARINA, ALDRICH & KAMPF  
Professional Corporation



GREGORY K. HOSKIN

GKH:rr

Enclosure

cc: A & G Partnership

U.S. HIGHWAY

RESIDENCE  
2945-053-00-103

2945-053-00-104  
VACANT

VACANT  
2945-053-00-055

2945-053-00-108  
VACANT

2945-054-0  
ELAM  
GRAVEL YARD

2945-053-00-066  
VACANT  
ORCHARD GROVE

23 1/4 GRAVEL PIT

VACANT  
45-054-00-053

82-00-932  
VACANT

2945-081-00-  
VACANT

2945-081-00-  
VACANT

REDLANDS PARKWAY R.O.W.

2945-082-00-949

2945-081-00-

2945-082-00-063

RIVER

RESIDENCE  
2945-053-00-031  
LEE'S AND  
FORGERY

RESIDENCE  
2945-053-00-035

23 1/4 ROAD

LOT 1

# HOSKIN, FARINA, ALDRICH & KAMPF

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Post Office Box 40  
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John T. Howe  
Matthew G. Weber  
John A. Siddeek

William H. Nelson  
(1926-1992)

May 9, 1996

**HAND DELIVERED**

Mr. David Thornton  
Grand Junction Community Development Department  
250 North 5th Street  
Grand Junction, Colorado 81501

Dear Dave:

Enclosed please find a copy of the Mining and Reclamation Permit on Orchard Grove Industrial Park, which is the A & G Operation at 23 ¼ Road. Also, enclosed please find a copy of the Permit Application Form and the legal description for the permitted area.

Yours truly,

HOSKIN, FARINA, ALDRICH & KAMPF  
Professional Corporation

  
GREGORY K. HOSKIN

GKH:rr  
Enclosure

## STATE OF COLORADO

## MINED LAND RECLAMATION DIVISION

Department of Natural Resources

1313 Sherman St., Room 215

Denver, CO 80203

303 866-3567

FAX: 303 832-8106

Roy Romer,  
GovernorFred R. Banta,  
Division DirectorMINING AND RECLAMATION PERMIT - MINERALS OTHER THAN COAL

Permit Number: M-90-094

Type of Permit: 112

Permit Date: November 9, 1990  
(Anniversary date for  
annual report and fees  
purposes)

THIS PERMIT is issued by the Mined Land Reclamation Board, Department of Natural Resources, State of Colorado.

RECITALS

A. Parkerson Construction, Inc. (the "Operator") desires to conduct a mining operation known as Orchard Grove Industrial Park, for the purpose of extracting gravel.

B. On October 18, 1990, the Mined Land Reclamation Board (the "Board") approved the Operator's application for this permit, fixed the amount of the financial warranty and directed that this permit be issued upon the filing with the Mined Land Reclamation Division (the "Division") of performance warranty and financial warranty (or warranties) in the amount so fixed in form and substance approved by the Division. Said warranties have been filed with the Division.

C. On October 18, 1990, the Board made the following findings:

1. The application for this permit complies with the requirements of the Colorado Mined Land Reclamation Act, C.R.S. 34-32-101 et seq., as amended, and with all applicable local, state and federal laws;

2. The operation will not adversely affect the stability of any significant, valuable, and permanent man-made structure located within two hundred feet of the Affected Land, except where there is an agreement between the Operator and the persons having an interest in the structure that damage to the structure is to be compensated for by the Operator; and



-2-

3. The proposed mining and reclamation operations can be carried out in conformance with the requirements of the Act.

D. The Operator has made a showing satisfactory to the Board: 1) that it will employ, during and after its underground mining and/or surface operations, procedures designed to minimize environmental disturbance from such operation; 2) that it will provide for reclamation of the Affected Lands appropriate to the subsequent beneficial use of such lands; and 3) that, in the event of the failure of its proposed reclamation plan, it will take whatever measures may be necessary to assure the success of reclamation of the lands affected by such operations in accordance with the Act.

E. A copy of the Operator's application, as amended and supplemented, has been approved by the Board and is, by this reference, incorporated herein.

F. The Mined Land Reclamation Board advises the Permittee that all mining operators must comply with all applicable Federal, State and County statutes, including State water law.

#### GRANTS, CONDITIONS AND AGREEMENTS

The Board, in reliance upon the representations and promises made in the permit application, as amended and supplemented, and the performance warranty, hereby issues a life of the mine permit to the Operator, to engage in the operations described in the application on certain lands lying in the County of Mesa, State of Colorado. These lands are described in the permit application, as amended and supplemented, and are referred to herein as the "Affected Lands".

This permit is issued subject to the following conditions and agreements:

1) The Operator will be bound by all applicable requirements of the Act, and all applicable rules and regulations of the Board, as amended from time to time, the terms of the permit application, the terms of the performance warranty, and the terms of the financial warranty filed with the Division.

2) The Operator will file with the Division its annual report and fees on each anniversary date of this permit.

3) If analyses of the mining and reclamation operation and the data collected through monitoring and experimentation by the Operator or monitoring by the Division indicate that the operation will not be able to comply with the requirements of the Act and applicable rules and regulations of the Board, the Operator hereby agrees to exercise its best efforts, after consulting with the Division, to modify the plans to correct such deficiencies in the future. Such modifications may require technical revisions or amendments to the permit.



-3-

4) The Board, or its authorized representative may enter upon the lands of the operator at all reasonable times for the purpose of inspection to determine whether the provisions of the Act have been complied with pursuant to C.R.S. 34-32-121.

5) This permit may be revoked or suspended for non-compliance with the Act or applicable rules or regulations promulgated by the Board.

6) a) Pursuant to 34-32-118(5) of the Act, the Board has a right of entry to reclaim the lands affected by the operation.

b) The Board will enter the lands to perform reclamation only if the Board has determined:

i. that reclamation required by law to have been performed upon such lands has not been performed, and


ii. that financial warranty forfeiture proceedings described in the Act or similar provisions of subsequent laws, if any, have been initiated.

7) The additional stipulations set forth in the attached rider, if any, are incorporated herein by reference.

/XX/ a) Rider is attached.

/ / b) No rider is attached.

MINED LAND RECLAMATION BOARD  
COLORADO DEPARTMENT OF NATURAL RESOURCES



\_\_\_\_\_  
FRED R. BANTA  
Director

FRB/eke

0073G

RIDER TO MINING PERMIT

Permit Date: November 9, 1990

Permit No: M-90-094

The following additional stipulations and conditions form an integral part of the foregoing permit:


Stipulation No. 01

AN APPROVED WELL PERMIT MUST BE OBTAINED PRIOR TO EXPOSING GROUND WATER. A COPY OF THE WELL PERMIT AND RELATED CORRESPONDENCE MUST BE FORWARDED TO THE MINED LAND RECLAMATION DIVISION.

Stipulation No. 02

IF THE WELL PERMIT REQUIRES AUGMENTATION WATER, THOSE WATER RIGHTS MUST BE CONVEYED TO THE MINED LAND RECLAMATION BOARD. THE BOARD SHALL RELEASE THESE RIGHTS TO THE OPERATOR UPON THE ACCEPTANCE OF FINAL SITE RECLAMATION.

MINED LAND RECLAMATION BOARD  
COLORADO DEPARTMENT OF NATURAL RESOURCES

  
\_\_\_\_\_  
FRED R. BANCA  
Director

FRB/eke

0073G

REGULAR (112) PERMIT  
APPLICATION FORM

This form contains two major parts: (1) General Operation Information and (2) Exhibits A-P. When you submit your application, be sure to include four signed copies of the General Operation Information, four copies of Exhibits A-P, and a check for the application fee described under (4) below. To expedite processing, please provide the information in the format and order described in this form.

GENERAL OPERATION INFORMATION

Type or print clearly, in the space provided, all information described below.

1. Applicant/Operator Name: Parkerson Construction, Inc.
2. Operation Name (Pit, mine or site name): Orchard Grove Industrial Park
3. Application type: Regular (112) Permit Operation.
4. Application Fee for Permitted Acreage\* 34 permitted acres.  
 (\$50.00 + \$15.00/acre, 1st. 50 acres:  
 \$10.00/acre, 2nd. 50 acres; \$5.00/acre, 3rd. 50 acres;  
 \$1.00/acre, any additional acreage:  
 maximum fee of \$2,000.00.)\*  
 Note permitted acreage and application fee and  
 attach a check for this amount when you file. 560.00 application fee.
5. Substance(s) to be mined (e.g., gold/silver/gravel): Gravel
6. Owners(s) of Substance to be Mined  
 (check applicable box(s)):  Private  State  Federal  Indian
7. Owner(s) of Record of Affected Land  
 (check applicable box(s)):  Private  State  Federal  Indian
8. Type of Mining Operation  
 (check applicable box(s)):  Surface  Underground  In-situ
9. Location Information. The center of the area where the majority of mining will occur lies in:

COUNTY: Mesa

PRINCIPLE MERIDIAN (check one): 6th (Colorado) 10th (New Mexico) Ute

TOWNSHIP (write number and check direction): T 1 North South

RANGE (write number and check direction): R 1 East West

SECTION (write number): S 5

QUARTER SECTION (check one): NE NW SE SW

QUARTER/QUARTER SECTION (check one): NE NW SE SW

GENERAL DESCRIPTION:  
 (miles and direction 1 mile W. of Grand Junction  
 from nearest town and  
 approximate elevation) Elevation - 4,700

If the operator is a unit of State or county government, an application fee is not required. A fraction of an acre must be counted as one acre for fee calculation.

0. Correspondance Information

APPLICANT/OPERATOR (name, address, and phone of name to be used on permit)

Individual's Name: Alan Parkerson  
 Company Name: Parkerson Const., Inc.  
 Street: P.O. Box 1771  
 City: Grand Junction  
 State: Colorado Zip Code: 81502  
 Area Code: 303 Telephone: 242-8134

PERMITTING CONTACT (if different from applicant/operator above)

Individual's Name: \_\_\_\_\_  
 Company Name: \_\_\_\_\_  
 Street: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Area Code: \_\_\_\_\_ Telephone: \_\_\_\_\_

INSPECTION CONTACT (if different from applicant/operator above)

Individual's Name: \_\_\_\_\_  
 Company Name: \_\_\_\_\_  
 Street: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Area Code: \_\_\_\_\_ Telephone: \_\_\_\_\_

11. Primary future land use (check one):  
 Cropland(CR)     Pastureland(PL)     General Agriculture(GA)  
 Rangeland(RL)     Forestry(FR)     Wildlife Habitat(WL)  
 Residential(RS)     Recreation(RC)     Industrial/Commercial(IC)  
 Developed Water Resources(WR)     Solid Waste Disposal(WD)
12. Primary present land use (check one):  
 Cropland(CR)     Pastureland(PL)     General Agriculture(GA)  
 Rangeland(RL)     Forestry(FR)     Wildlife Habitat(WL)  
 Residential(RS)     Recreation(RC)     Industrial/Commercial(IC)  
 Developed Water Resources(WR)

To the best of my knowledge, all the information presented on this application form and the attached Exhibits A-P are true and correct (must be signed by applicant/operator).

Date: June 20, 1990

By: Alan Parkerson  
 Alan Parkerson  
 Vice President  
 Title

TYPE LEGAL DESCRIPTION(S) BELOW, USING ADDITIONAL SHEETS AS NECESSARY.  
USE SINGLE SPACING WITH A ONE INCH MARGIN ON EACH SIDE.

D

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FOR DEPARTMENT USE ONLY:

LEGAL DESC. CHECKED AGAINST DEED  OK  RETURNED FOR CORRECTION.

---

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Lots 18, 19, 25, and 26 of Orchard Grove Subdivision, EXCEPT the South 100 feet of Lots 25 and 26 for road right of way granted to Mesa County by instrument recorded July 2, 1982 in Book 1380 at Page 684.

# HOSKIN, FARINA, ALDRICH & KAMPF

Professional Corporation

ATTORNEYS AT LAW

200 Grand Avenue, Suite 400  
Post Office Box 40  
Grand Junction, Colorado 81502

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Gregg K. Kampf  
Curtis G. Taylor  
David A. Younger  
David M. Scanga  
Michael J. Russell  
John T. Howe  
Matthew G. Weber  
John A. Siddeek

William H. Nelson  
(1926-1992)

May 17, 1996

Mr. David Thornton  
Community Development Department  
City of Grand Junction  
250 North 5th Street  
Grand Junction, Colorado 81501

Re: A & G Partnership Rezone & CUP

Dear Dave:

I enclose two items from the Mine Land Reclamation Board plan on the 23 ¼ Road pit. The first item is a written description of the Reclamation Plan and the second item is a plat captioned "Orchard Grove Industrial Park Reclamation Plan Map."

Yours truly,

HOSKIN, FARINA, ALDRICH & KAMPF  
Professional Corporation

GREGORY K. HOSKIN

GKH:rr

Enclosures

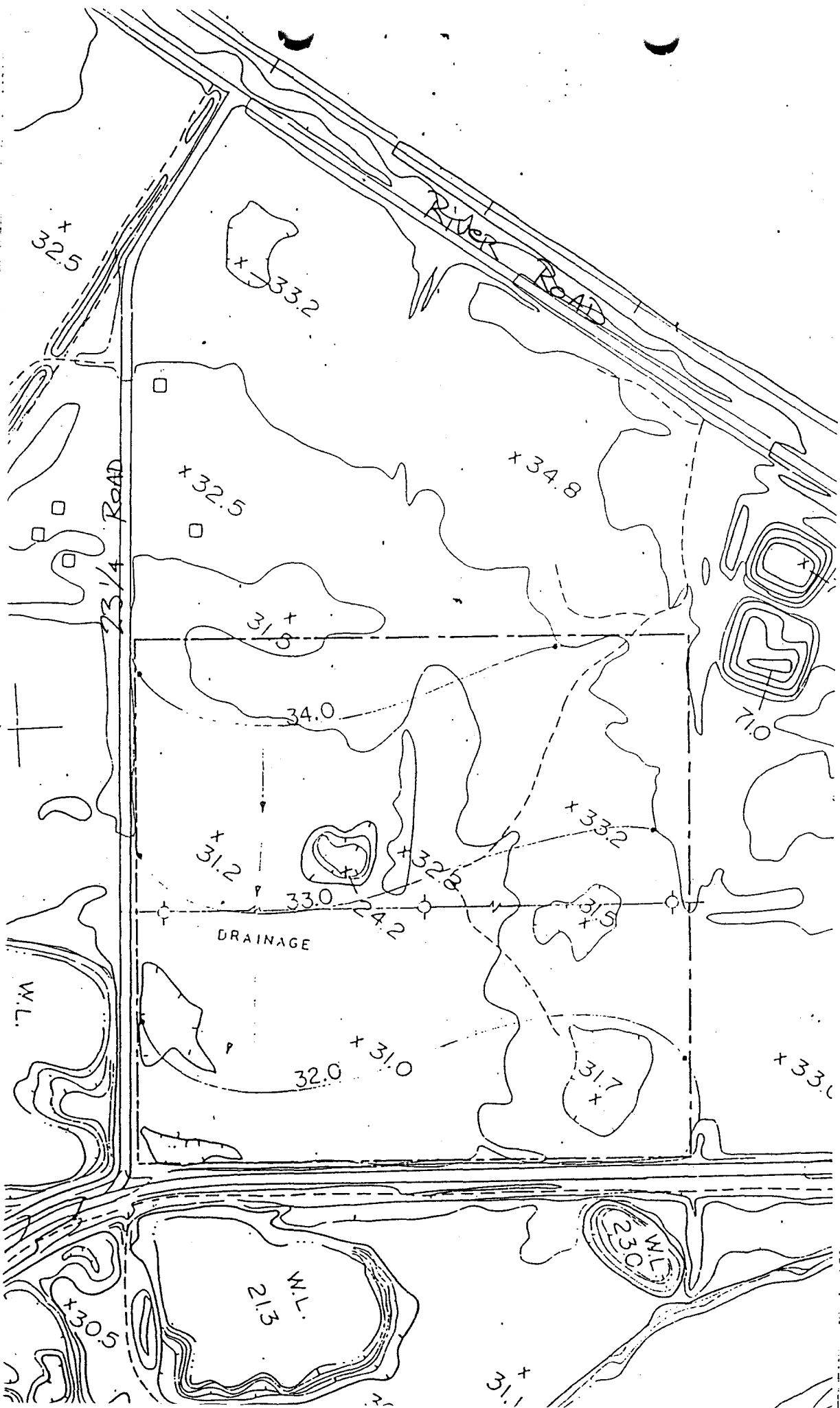
cc: A & G Partnership

RECLAMATION PLAN

The final use of the property is to be industrial development! The excavated site is to be filled with soil to approximately the same contour as the original ground line.

Temporary seeding of the site will be accomplished using a seed mixture as recommended by the Soil Conservation Service. A copy of that recommendation is enclosed.

The pit will be screened from the adjacent Redlands Parkway by augmenting the present vegetation with Russian Olive and Cottonwood tree plantings.





U.S. HIGHWAY

RESIDENCE  
2945-053-00-103

2945-053-00-104  
VACANT

VACANT  
2945-053-00-055

2945-053-00-108  
VACANT

2945-054-00-066  
ELAM  
GRAVEL YA

2945-053-00-066  
VACANT  
ORCHARD GROVE

23 1/4 GRAVEL PIT

082-00-932  
VACANT

2945-081-00-066  
VACANT

2945-081-00-066  
VACANT

REDLANDS PARKWAY R.O.W.

2945-082-00-949

2945-081-00-066

2945-082-00-063

ADO RIVER

RESIDENCE  
LEE'S AND  
2945-053-00-031  
FORGERY

RESIDENCE  
2945-053-00-035

23 1/4 ROAD

U.O. LOT 1